

Before the Board of Zoning Adjustment, D. C.

Application No. 11790 of Peoples Involvement Corporation, pursuant to Section 8207.2 and 8207.1 of the Zoning Regulations for special exceptions for approval of roof structures as provided by Section 6305 of the regulations, permission to provide accessory parking at 2114 Georgia Avenue, N. W., Lot 930, Square 2877 for a proposed building to be located at 2225 Georgia Avenue, N.W., Lot 36, Square 3065, as provided by Section 7205.3, a 25% reduction of required parking as provided by Section 7203 of the regulations and a variance from the accessibility requirements of Section 7206.4 of the regulations as provided by Section 8207.11 of regulations in the C-M-2 Zone.

HEARING DATE: May 21, 1975

DECISION DATE: May 27 and June 10, 1975

FINDINGS OF FACT:

1. The applicants' request for approval of proposed roof structures for the proposed motel to be located at 2225 Georgia Avenue, N. W., was previously approved by this Board in Order No. 11411, dated September 4, 1974, however, the applicant failed to make application for a building permit within the six month period after the Final Date of said Order and the Order expired.

2. The property will be developed with a nine-story motel building.

3. The property is located in a C-M-3 District.

4. The lot area is 19,357 square feet.

5. The allowable area of roof structure may be 7,162 square feet and this roof structure is within the legal limitation.

6. The roof structure will be used to house mechanical equipment, elevator and stairs and the F.A.R. of .013 is well below the .037 allowed by the regulations.

7. The material and color of the street facade will be precast concrete and fluted concrete masonry units, buff in color.

8. The material and color of this roof structure will be fluted concrete masonry units.

9. The Municipal Planning Office recommended approval of the roof structures which are subject to this application.

10. The applicant requests permission to provide required parking spaces elsewhere than on the lot where the principle use (Harambee House Motel) is located. The applicant testified and the Board finds that providing parking by an underground garage would be impracticable because of excessive cost to the applicant.

11. The Municipal Planning Office, reported, and the Board finds, that due to subsoil conditions in the area along Georgia Avenue under the proposed motel, that a great deal of re-watering and special foundation design would be required if underground parking would be provided.

12. The proposed accessory parking facility would be located south of the proposed motel across Georgia Avenue at a distance of approximately 190 feet, well within the required 800 feet limitation for accessory parking of Section 7205.33.

13. The proposed accessory parking would be located in the old Bond Bread Building at 2114 Georgia Avenue, N. W.

14. Evidence of record indicates, and the Board finds, that the Bond Bread Building structure has life expectancy of fifty (50) years.

15. The applicant is required to provide 250 parking spaces for the proposed motel as follows:

A. Motel use (169 units) 169

B. Retail uses (inside motel)

1. Public Hall (4,900 Sq. Ft.)

2. Commercial area (11,494

Sq. Ft.) 81

Total.. 250

16. The applicant requests a reduction of 25% of those required parking spaces which would be 63 spaces less 250 required, or 187 parking spaces.

17. The Board finds that there is little or no property reasonably near the proposed motel, which could be used for accessory parking by the applicant, when the structure is in use.

18. The applicant also requests a variance from the accessibility requirements of Section 7206.4 of the regulations, which require that each parking space be accessible at all times directly from streets or alleys or from streets or alleys through means of ingress and egress from graded and unobstructed private driveways or aisles which are paved with materials which form an all weather impervious surface.

19. The applicant proposes to locate 187 parking spaces in the basement, and first floor level of the Bond Bread Building and use a "Vertical Stacked" attendant operated type parking system using a mechanical device which would enable an attendant to double park automobiles vertically.

20. Ingress and egress to the proposed parking facility would be on both Georgia Avenue N.W., and 8th Street, N.W. where they abut the parking garage in question.

21. Evidence of record indicates, that the District of Columbia Government (owner of Bond Bread Building) and the applicant are currently negotiating a long term lease for use of the parking garage by applicant for accessory parking.

22. The record of this case reflects no opposition to the proposal by the applicant.

CONCLUSIONS OF LAW:

1. The Board concludes that the proposed roof structure complies with Section 6305.1 and 3308 of the regulations and harmonizes with the material and color of the facade of the proposed motel building.

2. The Board concludes that the applicant has complied with the requirements of Section 7205.3 of the regulations and that proposed parking spaces will be reasonable and convenient to the principle use, and located within 800 feet thereof. Because of the subsurface water below the principle building subject to this application, the Board is of the opinion that it is impracticable to locate such required parking spaces on the same lot as the principle building as required by Section 7205.1 of the regulations.

3. Because of the lack of property in the immediate neighborhood (800 feet from any lot line of the proposed motel), which can be used for parking, the Board further concludes that the requested relief in the nature of a 25% reduction of required parking, should be granted. Further, the applicants request for a variance from the accessibility requirements of Section 7206.4 of the regulations, in the opinion, of the Board should be granted, by reason that a practical difficulty exists because of the unavailability of off-street parking and the fact that the building which is proposed to contain the principle use would cover 100% of the lot on which it would be located. The Board concludes that the applicant has demonstrated a practical difficulty required by Section 8207.11 of the regulations to support its request for a variance from the accessibility requirements of the regulations.

The Board is of the opinion, that the above application for special exceptions for approval of roof structures, accessory parking and 25% reduction of required parking, if granted, would not have an adverse affect on the neighborhood and that said relief is in harmony with the intent and purpose of the regulations. The Board also is of the opinion that the variance from the accessibility requirements, if granted, would not substantially impair the meaning and intent of the regulations.

ORDERED:

That the above application be and is hereby GRANTED on the following conditions:

1. That no permits shall be issued on this Order unless and until, the applicant enters into and executes a notarized long term lease agreement with the District of Columbia Government for a period of at least thirty (30) years, said lease to be recorded.

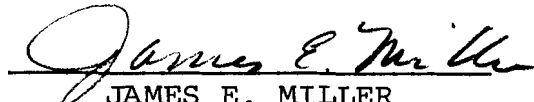
A. That said lease shall be for at least 15 years, with an option or series of options , which will give to the applicant the right of exclusive use of 187 parking spaces for a total of 30 years from the date of execution of said agreement.

VOTE: 3-0

(Lilla Burt Cummings, Esq., abstaining,
Mr. Scrivener not voting, not having heard case)

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED By:



JAMES E. MILLER

Secretary to the Board

FINAL DATE OF ORDER:

6/11/75

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.